IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Appeal from Order No.423 of 2006.

Municipal Corporation of Gr.Mumbai ..Appellant

versus

Premji Parbat Patel ..Respondent.

Ms.Joglekar for the Appellant

Mr.R.A.Thorat for the respondent

Coram : S.R.Sathe, J.
Dated : 21st August, 2007

P.C.

1. Heard both the learned advocates.

2. Perused the order passed by this Court on 29.6.2007. From this order it is very clear that the respondent was allowed to carry out the reconstruction and accordingly he has carried out the same. In the order mentioned earlier it has been stated that the said reconstruction will be subject to the outcome of this appeal. Howver, the learned advocate for the respondent submits that any how now the reconstruction has been carried out and instead of making it subject to the appeal, it is desirable if the same is made subject to the decision of the suit. The learned advocate for the Corporation submits that the suit be expedited.

3. Hence, A.O. is disposed of with directions that the trial corut shall dispose of the suit No.4192 of 2004 according to law as expeditiously as possible and in any event within six months. It is made clear that the reconstruction that has been carried out by the respondents is subject to the decision of the suit.

4. This A.O. is disposed of accordingly.

(S.R.Sathe, J.)